

01-R-1438

A RESOLUTION BY
COUNCILMEMBER LEE MORRIS

C. T. Martin *Charles* *Michael*

**A RESOLUTION CALLING FOR A MORATORIUM ON THE DEATH PENALTY IN
GEORGIA UNTIL A COMPREHENSIVE REVIEW OF THE SYSTEM CAN BE
ACCOMPLISHED, AND FOR OTHER PURPOSES**

WHEREAS, the citizens of Georgia, acting through their General Assembly, have determined that death is the appropriate penalty for certain heinous offenses; and


WHEREAS, adequate representation, at trial, on appeal, and in post-conviction proceedings is essential to reliable operation of the criminal justice system – especially in death-penalty cases; the importance of adequate representation is especially demonstrable in death-penalty cases by the frequency with which adequately represented defendants are able to avoid the death penalty or secure the reversal of death sentences and the frequency with which inadequate defense at trial burdens the courts in particular and the justice system in general with the time-consuming task of reviewing and reversing convictions and imposition of sentences;

WHEREAS, despite the State's obligations under both our State Constitution and the Constitution of the United States to provide adequate resources for the defense of indigent citizens accused of crime, Georgia's funding arrangements for indigent defense at trial and on direct appeal are inconsistent throughout the state and often inadequate; Georgia divides responsibility for funding indigent defense between the state and county governments; the state's financial contribution is inadequate and the contributions of many counties are inadequate as well; and the public responsibility for indigent defense too often falls on lawyers who lack the financial and professional resources to shoulder this demanding burden that properly lies with the State;

WHEREAS, Georgia is unique in making no provision for indigent defense in state death-penalty habeas cases; Georgia's failure to provide for indigent defense in state death-penalty habeas cases places the burden on volunteer private practitioners; the inherent complexity of state habeas practice together with the short time limits imposed by Uniform Superior Court Rule 44 make the demands of such representation too heavy for any but the largest law firms, and very burdensome even for such firms; consequently, many defendants are represented by out-of-state lawyers and many are unrepresented;

WHEREAS, there is an accumulation of evidence, including the recent experience of the State of Illinois in its death cases and exoneration of numerous defendants as a result of DNA testing, that casts doubt upon the reliability of convictions generally and death-penalty convictions in particular; and

WHEREAS, the disparate racial impact of the death penalty in Georgia and throughout the United States is great enough to necessitate a serious inquiry into the causes of that disparity;



NOW THEREFORE BE IT RESOLVED that the Atlanta City Council calls upon the Georgia General Assembly, the Governor, and the State Board of Pardons and Paroles not to carry out the death penalty and retain such moratorium on executions until such time that a comprehensive review of the death penalty system is undertaken and policies and procedures are implemented:

- (1) to ensure that death penalty procedures are administered fairly and impartially, in accordance with due process,
- (2) to minimize the risk that innocent persons may be executed,
- (3) to ensure the competency and adequate funding of counsel in capital cases at all stages of the process,
- (4) to preserve, enhance and streamline courts' authority and responsibility to exercise independent judgment on the merits of constitutional claims in post-conviction proceedings,
- (5) to strive to eliminate discrimination in capital sentencing on the basis of the race of either the victim or the defendant, and,

FURTHER RESOLVED, that in adopting this recommendation, the Atlanta City Council takes no position on the death penalty, and

FURTHER RESOLVED, that the Municipal Clerk forward copies of this Resolution to the Governor, the Lieutenant Governor, the Speaker of the House of the Georgia General Assembly, and the Presidents of the State Bar of Georgia and the Atlanta Bar Association.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMO

ADOPTED by the Council
APPROVED by the Mayor

SEP 04, 2001
SEP 11, 2001

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(Do Not Write Above This Line)

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COUNCILMEMBER LEE MORRIS

Lee Morris

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Adopted Unanimously by Voice Vote

ADOPTED BY

SEP 04 2001

COUNCIL

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd
- ☐ 1st & 2nd
- ☐ 3rd
- Readings
- ☐ Consent
- ☒ V Vote
- ☐ RC Vote

CERTIFIED

CERTIFIED

SEP 4 2001

Michael R. ...
COUNCIL PRESIDENT PROTEM

CERTIFIED

SEP 04 2001

Ruth ...
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
SEP 11 2001